IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21630 of 2004

Between:

E. Kasinath Goud, S/o. E. Ramaswamy,
R/o. D.No.1-186, Chinna Poddilla Village, Peapully Mandal,

Kurnool District.

..... PETITIONER

AND

1 the Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Kurnool District.
3 The Mandal Revenue Officer, Peapully Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandmaus declaring the action of the 2nd respondent in proceedings Rc.B.864/2004 dt. 01.11.2004 as illegal, arbitrary, malafide against the provisions of Control Order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st respondent.

Counsel for the Petitioner:MR.K.V.RAGHU VEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner was appointed as a fair price shop dealer of Chinna Poddilla village, Peapully Mandal, Kurnool District in the year 1989. His authorization was initially suspended and thereafter cancelled by the second respondent through proceedings dated 01.11.2004. Aggrieved thereby, he preferred an appeal before the first respondent together with an application for grant of stay. The said application is said to have been rejected by the Joint Collector. The petitioner seeks appropriate relief so as to enable him to function as a fair price shop dealer.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The main grievance of the petitioner is that in pursuance of the order of the appellate authority, the second respondent issued a notice dated 27.10.2004 requiring the petitioner to submit explanation and to produce records and the same was received by him on 29.10.2004. Though the explanation and records were submitted, without considering the same, the order of cancellation was passed on 01.11.2004. In substance, his grievance is that ample opportunity was not given.

The question as to whether the order of cancellation suffers from any illegality or infirmity needs to be considered by the second respondent, after calling for the records and considering the submissions that may be made by the parties.

Once the authorization is cancelled, this Court finds it difficult to enable the petitioner to function as a fair price shop dealer.

Hence, the writ petition is dismissed. However, the first respondent is directed to dispose of the appeal within eight weeks from the date of receipt of a copy of this order. It is also directed that no permanent or regular arrangement shall be made in the place of the petitioner till the disposal of the appeal by the first respondent. No order as to costs.

25.11.2004

ksld

To

1 the Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Kurnool District.
3 The Mandal Revenue Officer, Peapully Mandal, Kurnool District.

4 Two CCs. to the G.P. for Civil Supplies, High Court ofA.P.,

Hyderabad (OUT)

5 Two CD copies.